

ENTERED

June 07, 2018

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA	§	
	§	
vs.	§	Criminal No. H-18-46
	§	
DEVON DELANCE TODD	§	
	§	

ORDER REVOKING CONDITIONS OF RELEASE
AND ORDER OF DETENTION

CAME ON for consideration the Petition for Action on Conditions of Pretrial Release filed on May 11, 2018. The Pretrial Services Officer alleged that Defendant, Devon Delance Todd, had violated conditions of his release by possessing cocaine on April 5, 2018, and May 1, 2018, as evidenced by urine tests that were positive for cocaine.

The indictment alleged that Defendant conspired to possess with the intent to distribute in excess of five kilograms of cocaine and possessed with the intent to deliver one kilogram of cocaine. Defendant appeared before the undersigned on March 22, 2018, for his initial appearance. The government moved for detention, and a hearing was set for March 26, 2018. The detention hearing was reset to March 29, 2018.

On March 29, 2018, the detention hearing commenced. It was continued on the motion of defendant until April 3, 2018. After hearing all testimony and considering the arguments of the parties, the court decided to release Defendant Todd on severe conditions: He was released, but he was confined to his sister's residence and

his sister was to act as his third-party custodian and supervise him in accordance with all conditions of release. He was also placed on electronic monitoring. The court admonished Todd about the need to abide by the conditions of release.

At the revocation hearing, the Probation Officer testified about the positive drug tests. The evidence was that cocaine was in Defendant Todd's urine within two days of his release and was there a month later. Defendant Todd did not contest the validity of the drug tests but asked that he be placed in out-patient drug treatment.

The court finds that probable cause exists to believe that Defendant Todd possessed cocaine on April 5, 2018, and May 1, 2018. Defendant Todd is already on conditions of release that restrict him to his sister's residence. His sister is also his custodian who was to supervise him in accordance with the terms of release. Nonetheless, he still was able to access and use cocaine. As the most restrictive conditions of release and supervision by his sister have not have stopped Defendant Todd from having access to cocaine, the court further finds that there is no condition or combination of conditions which could address the risk factors present in this case. Defendant failed to comply with those conditions almost immediately upon his release.

Accordingly, Defendant's Order Setting Conditions of Release is **REVOKED**. Defendant Devon Todd is ordered **DETAINED** pending trial.

Directions Regarding Detention

It is therefore **ORDERED** that the defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with all court proceedings.

Done at Houston, Texas, this 6th day of June, 2018.



NANCY K. JOHNSON
UNITED STATES MAGISTRATE JUDGE